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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

M.J.V., by and through his Guardian ad Litem Lidia Jacinto, individually and as successor-in-interest to decedent SERGIO VELASCO MARTINEZ,

Plaintiffs,

v.

CITY OF AVENAL, a municipal corporation; and DOES 1-50, inclusive, individually and in their official capacity as police officers for the City of Avenal.

Defendants.

Case No. 1:18-cv-00863-DAD-EPG

**ORDER TO SHOW CAUSE WHY
PLAINTIFFS' CASE SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE**

Plaintiff M.J.V. by and through Guardian ad Litem Lidia Jacinto, filed this civil rights suit on June 21, 2019, alleging federal and state claims stemming from the death of M.J.V.'s father at the hands of Avenal Police Department officers.

The Court held a mid-discovery status conference on June 17, 2019. Counsel for Plaintiff, Kenneth Chike Odiwe was present, as was counsel for Defendants, Bruce Daniel Praet. Mr.

1 Odiwe admitted that he has difficulty contacting the Guardian ad Litem, Lidia Jacinto, which has
2 stalled discovery efforts. For example, Defendants served written discovery onto Plaintiff on June
3 7, 2019, which has not been answered due to the inability to communicate with the Guardian ad
4 Litem.

5 Accordingly, the Court ORDERS Plaintiff to show cause why this matter should not be
6 dismissed for a failure to prosecute.

7 No later than July 17, 2019, Plaintiff is ORDERED to file a written response to this Order
8 to Show Cause explaining why this matter should not be dismissed for a failure to prosecute.

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10 IT IS SO ORDERED.

11 Dated: June 17, 2019

/s/ Eric P. Gray
12 UNITED STATES MAGISTRATE JUDGE

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